

climate folies, but I and many others are not ready to send our jobs overseas and our economy into the tank because the UN says we should. And if this treaty is so great, then how come China, India, and Mexico are not willing to commit to emissions reductions? On a day when I hope to be green, I am blue.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. STEARNS). Pursuant to the provisions of clause 5 of rule I, the chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

Such roll call votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION COM- PLIANCE ASSISTANCE AUTHO- RIZATION ACT OF 1998

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2864) to require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements, as amended.

The Clerk read as follows:

H.R. 2864

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1998".

SEC. 2. COMPLIANCE ASSISTANCE PROGRAM.

Section 21 of the Occupational Safety and Health Act of 1970 is amended by adding at the end the following new subsection:

"(d)(1) The Secretary shall establish and support cooperative agreements with the States under which employers subject to this Act may consult with State personnel with respect to—

"(A) the application of occupational safety and health requirements under this Act or under State plans approved under section 18; and

"(B) voluntary efforts that employers may undertake to establish and maintain safe and healthful employment and places of employment.

Such agreements may provide, as a condition of receiving funds under such agreements, for contributions by States towards meeting the costs of such agreements.

"(2) Pursuant to such agreements the State shall provide on-site consultation at the employer's worksite to employers who request such assistance. The State may also provide other education and training programs for employers and employees in the State. The State shall ensure that on-site consultations conducted pursuant to such agreements include provision for the participation by employees.

"(3) Activities under this subsection shall be conducted independently of any enforcement activity. If an employer fails to take immediate action to eliminate employee exposure to an imminent danger identified in a consultation or fails to correct a serious hazard so identified within a reasonable time, a report shall be made to the appropriate enforcement authority for such action as is appropriate.

"(4) The Secretary shall, by regulation after notice and opportunity for comment, establish rules under which an employer—

"(A) which requests and undergoes an on-site consultative visit provided under this subsection,

"(B) which corrects the hazards that have been identified during the visit within the time frames established by the State and agrees to request a subsequent consultative visit if major changes in working conditions or work processes occur which introduce new hazards in the workplace, and

"(C) which is implementing procedures for regularly identifying and preventing hazards regulated under this Act and maintains appropriate involvement of, and training for, management and non-management employees in achieving safe and healthful working conditions,

may be exempt from an inspection (except an inspection requested under section 8(f) or an inspection to determine the cause of a workplace accident which resulted in the death of one or more employees or hospitalization for 3 or more employees) for a period of one year from the closing of the consultative visit.

"(5) A State shall provide worksite consultations under paragraph (2) at the request of an employer. Priority in scheduling such consultations shall be assigned to requests from small businesses which are in higher hazard industries or have the most hazardous conditions at issue in the request."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2864 will amend the Occupational Safety and Health Act to provide specific statutory authorization and direction for consultation programs operated by States with the assistance of Federal funding and direction.

These programs have in fact been operating for over 20 years. In 1975, OSHA began entering into contracts with the States to provide enforcement consultations for small businesses. The authority which OSHA used for these contracts is the general contracting authority in section 7C(1) of the Occupational Safety and Health Act.

In recent years the small business community, State consultation programs and the Clinton administration have all supported amending the Occupational Safety and Health Act to add a specific authorization and direction for the on-site consultation programs. So I am pleased to be able to bring this bill to the House, with bipartisan support in our committee. And with the support of the Clinton administration.

I want to particularly thank the ranking member of the Subcommittee

on Workforce Protections, Mr. OWENS, and the ranking member of the full committee, Mr. CLAY, for their willingness to work with us on this bill as well as the following bill. And also I want to thank Secretary of Labor Alexis Herman and Assistant Secretary for Occupational Safety and Health, Charles Jeffress, for their support of these bills.

Mr. Speaker, the consultation program allows employers, particularly small employers, with the opportunity to receive expert advice and compliance with OSHA standards and improving safety and health in their workplaces, without the adversarial temper and approach often associated with OSHA enforcement inspections.

I believe this program truly does implement the approach to safety and health which many of us have long supported: an OSHA program that offers assistance, rather than merely the threat of enforcement, to employers.

I have often said that it seems wrong to me that employers who want to improve their workplaces are afraid to call OSHA and ask for assistance. The consultation program is one program that allows and encourages employers to call OSHA and to get that assistance.

My own company in North Carolina has used the North Carolina OSHA consultation program; and, in fact, it was our experience with that North Carolina program that triggered my introduction of H.R. 2864. Under this program, an employer invites the OSHA consultation service into the workplace, and the consultant works with the employer in identifying any violations of OSHA standards and hazards.

If the employer fixes those items within a reasonable time, then there is no enforcement action connected to it. Under H.R. 2864, an employer who meets certain listed criteria may also be exempt from some inspections for 1 year.

I believe the program fills a real need. Unfortunately, it has not been well enough known, nor has it received enough funding, to fulfill that need. So I hope that recognizing the program in this statute is the first step in making it more widely known and increasing in its availability.

This bill along with the following bill are small but I think significant steps in bringing about change to the way in which OSHA carries out the role of protecting and promoting worker safety and health.

Again, I want to express my appreciation to the gentleman from New York (Mr. OWENS) for working out the legislation. Even though we were basically following the current program, there were still a few issues that we had to resolve, and I appreciate his willingness to do so.

It is my hope that with the bipartisan effort and support for these bills that the Senate will move quickly and cleanly as well. There are a lot of other issues related to OSHA that we need to plan and deal with, but I hope that

these bills do not become entangled in other issues.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my appreciation to the gentleman from North Carolina (Mr. BALLENGER), Chairman of the Subcommittee on Workforce Protections, for his willingness to work with me on this legislation. I believe the bill before us will further the safety and health of workers, and I am pleased to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING), Chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman from North Carolina for yielding me this time.

Mr. Speaker, I want to express my support for the two bills amending the Occupation Safety and Health Act that are on the suspension calendar today.

I want to particularly commend the gentleman from North Carolina (Mr. BALLENGER), the Chairman of the Subcommittee on Workforce Protection, for his work on these bills and for his leadership on matters related to OSHA.

Also, I want to commend the gentleman from North Carolina along with the gentleman from New York, the ranking member of the Subcommittee on Workforce Protection, for being able to bring not one but two bills dealing with OSHA to the floor with bipartisan support.

I would note that both bills are supported by the Clinton administration as well as by the National Federation of Business, the Chamber of Congress and the Coalition on Occupational Safety and Health and other organizations. That is a rather remarkable convergence of support, particularly for bills amending the Occupational Safety and Health Act.

Mr. Speaker, these two bills are small but important steps in bringing about change to the way OSHA carries out its role in protecting worker safety and health. They help move OSHA towards a more cooperative, less confrontational approach.

H.R. 2864 requires OSHA to provide work-site consultations to employers, particularly small employers, who request the consultation. These consultations will be provided through State agencies or public colleges or universities.

H.R. 2864 in effect codifies the consultation program from OSHA that began in the 1970s and which has provided thousands of small businesses with expert advice and assistance in providing a safer workplace for their employees and compliance with OSHA standards.

I know that in my own State, the consultation program has been ex-

tremely effective in reaching out to small businesses and working with them to improve safety and health. The biggest problem with the program has been lack of resources; and we hope that, by specifically recognizing consultation services in the statute, that we will bring additional recognition and resources to the program.

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H.R. 2877 prohibits OSHA from using enforcement measures such as number of citations issued or penalties assessed to evaluate OSHA inspectors. It addresses the reality as well as the perception that OSHA inspectors often care less about worker safety than meeting quotas for citations and penalties. The former director of OSHA has acknowledged that past policy of the agency was in fact to use numbers of citations issued and penalties assessed as performance measures. As a matter of official policy, OSHA says it no longer uses these as performance measures. H.R. 2877 makes this policy permanent and also reflects our intention that OSHA's primary focus is not issuing citations and levying fines, but rather promoting safety and health for all American workers.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding me this time. I cannot tell my colleagues how pleased I am that this legislation, in fact both bills that come to the floor today are here. I want to commend and thank my former colleagues on the Committee on Education for this legislation, especially the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from North Carolina (Mr. BALLENGER) and the gentleman from New York (Mr. OWENS). As far back as I remember when I had the pleasure and honor and distinction of serving on this committee back in the 103rd Congress, we wrangled with the whole idea of OSHA reform. We did not quite get the whole OSHA reform package together, but I am very pleased that the committee now has moved this bill and the bill to come after this that really make common sense bipartisan changes to the OSHA Act. This committee and the House really do themselves proud when they act in a common sense, bipartisan fashion to correct these issues.

Mr. Speaker, H.R. 2864 is good legislation, it follows the old adage that an ounce of prevention is worth a pound of cure. This bill will authorize OSHA's compliance assistance program, which has been in operation since the mid-1970s and for 23 years it has been working well. I think we should not only be authorizing this program, but expanding it because this program would help companies avoid problems with OSHA and at the same time make the workplace safer for workers.

An employer can ask a State consultant to review their work site for OSHA

violations as long as the employer agrees to correct any hazards. Even better, a company that participates in the compliance assistance program then can be exempted from regular OSHA inspections for a year if they implement hazard prevention procedures and provide for safety training for management and for employees. I wish that more companies had the ability to take advantage of this.

One such plant in my district was recently visited in a random OSHA inspection. I do not know if this bill would have helped them or not and I do not know if the person who visited from OSHA was on a quota, but what ended up happening is a lot of picayune things were found, the company was fined \$10,000, called Rijnstaal USA, and they are owned by a foreign entity. Now the foreign entity is taking a look at perhaps moving this plant out of Arnold, Pennsylvania to Southeast Asia because they think that OSHA has been picking on them, that they have not had an opportunity to go in and correct some of these small problems. In a case like that, who would win? Certainly the Federal Government would not win, we would get less tax dollars, less of our people would be working and paying dollars. Jobs and opportunities are lost to the community. Taxpayers lose. The employees of this company would lose. The only people that would gain would be whatever region of Southeast Asia would get this company.

We must take a more common sense approach, and these two bills today really begin to do that. My colleagues on the committee are to be lauded for their efforts. Mr. Speaker, I think this bill is a fine example of both labor-management cooperation and bipartisan legislating. I urge my colleagues to support it.

Mr. OWENS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from North Carolina (Mr. BALLENGER) that the House suspend the rules and pass the bill, H.R. 2864, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AMENDING OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970

Mr. BALLENGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2877) to amend the Occupational Safety and Health Act of 1970, as amended.

The Clerk read as follows:

H.R. 2877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,